

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

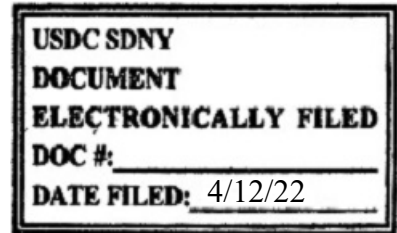
APOLINAR ACEVEDO,

Plaintiff,

v.

URBAN MANAGEMENT LLC, et al.,

Defendants.



19-CV-9449 (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

The Court has received and reviewed the parties' joint letter dated February 15, 2022 (Joint Ltr.) (Dkt. No. 62), seeking approval of their fully-executed Settlement Agreement (Ag.) (Joint Ltr. Ex. A) pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015). The Agreement requires defendants Urban Management LLC (Urban Management), 160-166 Morningside Ave. Realty LLC, and John Schroeder to pay a total of \$60,000 to plaintiff Apolinar Acevedo to settle his claims under the Fair Labor Standards Act (FLSA) and the New York Labor Law (NYLL). Ag. ¶ 1(a).

The material terms of the settlement were arrived at after arm's-length bargaining at a judicially-supervised settlement conference before me on December 14, 2021. The parties thereafter consented to my jurisdiction for all purposes. (Dkt. No. 61.)

Under the Settlement Agreement, defendants are required to pay a total of \$60,000 to plaintiff within ten business days after its terms are approved by this Court. Ag. ¶¶ 1(a), 1(c). The entire settlement consideration will go to plaintiff. The Legal Aid Society, which represented him in this matter, does not seek any fees. *Id.* ¶¶ 1(a)-(c); Joint Ltr. at 1.

The Agreement contains bilateral general releases, a "non-admission of liability" clause, and a provision requiring defendants to provide a neutral employment reference. Ag. ¶¶ 2(a)-(b),

4, 5. There is no confidentiality clause or other restriction on plaintiff's speech, and no rehiring prohibition.

The Court concludes, as required by *Cheeks*, 796 F.3d at 206, that both the economic and the non-economic terms of the settlement are fair and reasonable. Accordingly, the proposed settlement is APPROVED. This action is hereby DISMISSED with prejudice.

The Clerk of Court is respectfully directed to close the case.

Dated: New York, NY
April 12, 2022

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge